

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

JOSHUA CHATWIN,

Plaintiff,

v.

DRAPER CITY; DRAPER CITY POLICE  
DEPARTMENT; POLICE CHIEF MAC  
CONNOLE; OFFICER J. PATTERSON, in his  
individual and official capacity; OFFICER  
DAVID HARRIS, in his individual and official  
capacity; OFFICER HEATHER BAUGH, in  
her individual and official capacity; and JOHN  
DOES 1-10,

Defendants.

**SCHEDULING ORDER AND ORDER  
VACATING HEARING**

Civil No. 2:14-cv-00375  
Judge Dale A. Kimball

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

This Court ORDERS the Initial Pretrial Hearing set for December 10, 2014, at 10:30 a.m.  
VACATED.

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

1.                      PRELIMINARY MATTERS                      DATE

Nature of claims and any affirmative defenses:

**On May 18, 2010, Plaintiff Joshua Chatwin was arrested for driving under the influence of alcohol. Plaintiff brings claims of civil rights violations under 42 U.S.C. 1983, state constitutional violations, assault and battery, intentional infliction of emotional distress, and fraud against the Defendants Draper City and its officers, allegedly arising out of his interaction with Draper City officers leading up to and following his arrest. Defendants deny the allegations and assert the affirmative defenses of qualified immunity, governmental immunity, and other affirmative defenses to be determined after further discovery.**

- a. Was Rule 26(f)(1) Conference held? **12/05/14**
- b. Have the parties submitted the Attorney Planning Meeting Form? **12/09/14**
- c. Deadline for 26(a)(1) initial disclosure? **1/15/15**

2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum Number of Depositions by Plaintiff(s)	<b>20</b>
b.	Maximum Number of Depositions by Defendant(s)	<b>20</b>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<b>7</b>
d.	Maximum Interrogatories by any Party to any Party	<b>25</b>
e.	Maximum requests for admissions by any Party to any Party	<b>25</b>

f. Maximum requests for production by any Party to any Party **25**

g. The Parties shall handle discovery of electronically stored information as follows:

**The parties agree that all ESI has been and will be preserved in connection with litigation. The parties agree that all electronic documents shall be turned over in a mutually agreeable format and, if a mutually agreeable format cannot be agreed upon, the parties shall deliver documents as .pdfs bearing distinct bates numbers. The documents shall be turned over as they are kept in the regular course of business. The parties shall utilize best efforts not to produce duplicate documents and implement best practices relating to “de-duplication.”**

The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).

i. Last day to serve written discovery: **9/15/15**

j. Close of fact discovery: **12/15/15**

k. (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e): 00/00/00

3. AMENDMENT OF PLEADINGS/ADDING PARTIES DATE

a. Last Day to File Motion to Amend Pleadings

**Plaintiff(s): 1/15/15**

**Defendant(s): 2/17/15**

- b. Last Day to File Motion to Add Parties
- Plaintiff(s):** **1/15/15**
- Defendant(s):** **2/17/15**
4. RULE 26(a)(2) REPORTS FROM EXPERTS DATE
- a. **Plaintiff:** **1/15/16**
- Defendant:** **2/17/16**
- Counter-Reports:** **3/16/16**
5. OTHER DEADLINES DATE
- a. Last day for Expert discovery **5/15/16**
- b. Deadline for filing dispositive or potentially dispositive motions
- 6/15/16**
- c. Deadline for filing partial or complete motions to exclude expert testimony **6/15/16**
6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/DATE
- a. Referral to Court-Annexed Mediation: **No**
- b. Referral to Court-Annexed Arbitration: **No**
- c. Evaluate case for Settlement/ADR on **9/15/16**
- d. Settlement probability: **Fair**

Specify # of days for Bench or Jury trial as appropriate.

The court will complete the shaded areas.

7. TRIAL AND PREPARATION FOR TRIAL TIME DATE
- a. Rule 26(a)(3) Pretrial Disclosures

Plaintiff 09/30/16

Defendant 10/14/16

b. Objections to Rule 26(a)(3) Disclosures

(if different than 14 days provided in Rule) 00/00/00

c. Special Attorney Conference on or before 10/28/16

d. Settlement Conference on or before 10/28/16

e. Final Pretrial Conference 2:30 p.m. 11/21/16

f. Trial Length

i. Bench Trial # days \_\_\_\_:\_\_\_\_.m. 00/00/00

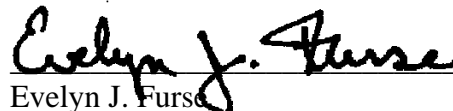
ii. Jury Trial 5 days 8:30 a.m. 12/05/16

8. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding Markman motions to determine the desired process for filing and hearing of such motions. Parties should file all such motions and Motions in Limine well in advance of the Final Pre Trial.

Ordered this 10th day of December, 2014.

BY THE COURT:

  
Evelyn J. Furse  
U.S. Magistrate Judge